



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 430
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,814	11/04/2003	Jeff Kline	58674 (46910)	6248

21874 7590 04/13/2007
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
----------	--------------

2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/700,814

Applicant(s)

KLINE ET AL.

Examiner

Nicholas R. Taylor

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters; prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14, 16-21, 26, 27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14, 16-21, 26, 27 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-14, 16-21, 26, 27, and 29-32 have been presented for examination and are rejected.

Objections

2. Claim 32 is objected to because of the following minor informality: the final line should read "and a source code software server administrator." Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 29 is dependent on cancelled claim 1. For the purpose of this action, claim 29 is interpreted to correctly depend on claim 7.

Response to Arguments

5. Applicant's arguments filed March 6th, 2007, have been fully considered but they are deemed not persuasive.

6. In the remarks, applicant argued in substance that:

(A) The prior art of Underwood does not teach the constant indicator described in the specification, such as the RED/WHITE/BLACK/BLUE/GREEN/WHITE background hues.

As to point (A), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., constant hierarchical indicators via color hues) are not recited in the rejected independent claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(B) The prior art of Underwood does not teach an indicator while administering, but rather teaches an indicator after the fact (e.g., in the interface in figure 5). Additionally, Underwood does not teach a true indicator, but merely "a recognition of the functionality to be presented to an individual user" as a function of user capabilities.

As to point (B), Underwood teaches an indicator that appears *while* engaging in administrative activities. This process starts when a user logs in on an interface such as the one outlined in figure 3 to begin the administrative process. After the initial log in, the web site is "formatted so that it presents a difference appearance depending on a number of factors including: the access password or other identification provided by the

user (e.g., user profile, navigation history, etc.).” The indication provided in Underwood is both persistent and visible during the entire administrative process.

As to the argument that Underwood does not teach an indicator of the type intended by the applicant, Applicant is reminded that during examination the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). The displayed functionality in Underwood (e.g., of fig. 5) provides an indicator to the user of the hierarchal level at which they have accessed the website. Even assuming, arguendo, that Underwood’s indicator only provides a “recognition of the functionality to be presented to an individual user,” the prior art would still read on the claimed limitations.

(C) The prior art of Underwood does not teach allowing a user to enter the website at a different hierarchal level than that stored at the server and providing a second indicator, as Underwood merely teaches that a potential customer enters the website in one manner and accesses information while a different user has access to different data.

As to point (C), Underwood teaches that each user has a variety of options to enter the server at different hierarchical levels. For example, a user may log in as an administrator (a first hierarchal level of the user at the server) or alternatively as a general customer using a “general-user password” (entering said website at a different hierarchical level than that stored at the server) (Underwood, col. 8, lines 18-67; see also col. 8, line 66, to col. 9, line 9 and col. 8, lines 18-27, where the level corresponds

to a website visitor and see also col. 12, lines 34-40, where the level corresponds to a website administrator).

(D) The prior art of Underwood does not teach the grouping of users with common access rights based on groups, but rather is limited to individual users.

As to point (D), Underwood teaches the grouping of users with common access rights based on groups, e.g., where a user is categorized into a specific business category and the resulting interface and access rights are granted based on the specific group (see col. 29, line 65 to col. 30, line 31).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 7, 8, 10-14, 16-21, 26, 27, 29-31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood et al. (U.S. Patent 6,697,825).

9. As per claim 7, Underwood teaches a method for administering a plurality of websites wherein at least one website is hosted at a server comprising the steps of:

administering the said plurality of websites (Underwood, col. 6, lines 24-38)
by accessing a respective website at an address corresponding to a hierarchal level by a user; (Underwood, col. 12, lines 41-55; see welcome page of fig. 3; see also col. 13, lines 31-44)
determining the hierarchal level rights of the user; and (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5)
providing an indicator to the user, while the user is administrating said plurality of websites, of the hierarchal level at which they have accessed the website (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67; where, e.g., the user is provided with an indicator while administrating the website, as the indicator is presented after logging in and therefore during the administration session).

10. As per claim 8, Underwood teaches the system further wherein said indicator is a graphical indicator (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67).

11. As per claim 10, Underwood teaches the system further comprising the steps of:
storing the hierarchal level of the user at the server; (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5)

allowing the user to enter said website at a different hierarchal level than that stored at the server; and providing a second indicator corresponding to the hierarchal administrative level of the user corresponding to the level of which the user has

accessed the website (Underwood, col. 8, lines 18-66; e.g., where an administrative user enters the site as a potential customer).

12. As per claims 11 and 26, Underwood teaches a method for administration of a plurality of websites, at least one of the plurality of websites being hosted at a remote server comprising the steps of:

administering said plurality of websites by (Underwood, col. 6, lines 24-38)

accessing the a respective website at an address corresponding to a hierarchal administrative level; (Underwood, col. 12, lines 41-55; see welcome page of fig. 3; see also col. 13, lines 31-44)

obtaining login information from the user; (Underwood, fig. 3 and 46)

determining at the remote server the access rights of the user based upon access rights information stored at the remote server; (Underwood, col. 12, lines 56-65; e.g., see fig. 4 & 5)

aggregating the rights of the user; displaying enabling icons at the website corresponding to said aggregated access rights for said user; and (Underwood, col. 12, lines 56-65; e.g., see fig. 4 & 5; col. 29, lines 44-48)

providing a graphical indicator to the user, at the website, of said hierarchal administrative level at which access is made while the user is administering the website (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67; where, e.g., the user is provided with an indicator while administrating the website, as the indicator is presented after logging in and therefore during the administration session).

13. As per claims 12 and 27, Underwood teaches the system further comprising the step of grouping all users with common access rights into a plurality of respective groups and storing the groups at the server, determining to which group the user belongs, and enabling the access rights for the user based upon the rights granted to the group to which the user belongs (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

14. As per claim 13, Underwood teaches the system further comprising the steps of determining a hierarchal level of the user (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

15. As per claim 14, Underwood teaches the system further wherein the indicator indicates the hierarchal level corresponding to the address (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

16. As per claim 16, Underwood teaches the system further comprising the steps of determining whether a user is authorized for access at the address corresponding to the predetermined access rights utilizing the access right information stored at the remote server and, if authorized, aggregating the rights of the user (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

Art Unit: 2141

17. As per claim 17, Underwood teaches the system further comprising the steps of:
grouping all users with common access rights in respective groups;
storing the respective groups at the server;
determining to which group the user belongs; and
aggregating the rights based upon the rights associated with the specific group to which the user is a member (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

18. As per claim 18, Underwood teaches the system further comprising the step of accessing the website at a public address, determining whether any access rights for a user accessing the website at the public address have been stored, and displaying no icons at said website for said user when no access rights have been stored at the server for said user (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67; see login pages at fig. 3 and 46).

19. As per claim 19, Underwood teaches the system further wherein said icons enable editing of material on the website (Underwood, fig. 4).

20. As per claim 20, Underwood teaches the system further comprising the steps of:
determining a hierarchal level of the user as a function of the rights of the user (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5; col. 29, lines 44-48).

21. As per claim 21, Underwood teaches the system further comprising the steps of:
storing the hierarchal level of the user at the server; (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5)

allowing the user to enter said website at a different hierarchal level than that stored at the server; and providing a second indicator corresponding to the hierarchal level of the user corresponding to the level of which the user has accessed the website (Underwood, col. 8, lines 18-66, e.g., where an administrative user enters the site as a potential customer).

22. As per claim 29, Underwood teaches the system further wherein the hierarchal level corresponds to at least one of a website visitor, a website administrator, a website designer, a website owner, a website host, a website master distributor, and the manager of a source code software server (Underwood, col. 8, line 66, to col. 9, line 9 and col. 8, lines 18-27, where the level corresponds to a website visitor; see also col. 12, lines 34-40, where the level corresponds to a website administrator).

23. As per claims 30 and 31, Underwood teaches the system further wherein the hierarchal level corresponds to at least one of a website visitor, a website administrator, a website designer, a server systems administrator, a website master distributor, and the manager of a source code software server administrator (Underwood, col. 8, line 66, to col. 9, line 9 and col. 8, lines 18-27, where the level corresponds to a website visitor; see also col. 12, lines 34-40, where the level corresponds to a website administrator).

24. As per claim 32, Underwood teaches a method for administering a plurality of websites wherein at least one website is hosted at a server comprising the steps of:

administering the said plurality of websites (Underwood, col. 6, lines 24-38)

by accessing a respective website at an address corresponding to a hierarchal level by a user; (Underwood, col. 12, lines 41-55; see welcome page of fig. 3; see also col. 13, lines 31-44)

determining the hierarchal level rights of the user; and (Underwood, col. 12, lines 56-65; e.g. see fig. 4 & 5)

providing an indicator to the user of the hierarchal level at which they have accessed the website; and (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67; where, e.g., the user is provided with an indicator while administrating the website, as the indicator is presented after logging in and therefore during the administration session)

wherein the hierarchal level corresponds to at least one of a website visitor, a website administrator, a website designer, a server systems administrator, a website master distributor, and source code software server administrator (Underwood, col. 8, line 66, to col. 9, line 9 and col. 8, lines 18-27, where the level corresponds to a website visitor; see also col. 12, lines 34-40, where the level corresponds to a website administrator).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood et al. (U.S. Patent 6,697,825) and Swift (U.S. Patent 6,308,274).

27. As per claim 9, Underwood teaches the above, including different graphical indicators to represent hierarchal levels (Underwood, col. 12, lines 42-65; see also col. 8, lines 59-67), yet fails to teach

wherein the graphical indicator is the color of a significant portion of the website as displayed to the user, said color corresponding to the hierarchal administrative level of the user.

Swift teaches a method of restricting access based on hierarchal levels (Swift, Summary) where color is used as a graphical indicator to display the access level to the user (Swift, column 13, lines 44-56).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Underwood and Swift to provide the color display of Swift in the system of Underwood, because doing so would make the current user rights obvious to help prevent accidental mistakes (Swift, column 1, lines 15-21).

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER